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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,929	06/29/2000	Reza Jalili	P/2832-14	6705
2352	7590	04/06/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER

3624

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,929

Applicant(s)

JALILI, REZA

Examiner

JAGDISH PATEL

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 21-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 and 33 is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 38-54 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5, 1/21/04</u> | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

1. This communication is in response to amendment filed 1/21/04.

Terminal Disclaimer

2. The terminal disclaimer filed on 1/21/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Pat. 6,088,683 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Amendment

3. Claims 1, 4, 21,22, 29, 31, 33, 34 and 36 have been amended. Claims 38-54 have been added. Claims 16-20 have been canceled.

Response to Arguments

4. Claims 1-¹⁵~~20~~ and 33 are allowed.

5. Claims 21-32 are further rejected under 35 USC 112(second) for the reasons presented in previous office action.

Statute Cited in Prior Action

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Election/Restrictions

7. Newly submitted claims 38-54 are directed to inventions independent or distinct from the invention originally claimed for the following reasons:

Claims 38-48 are directed to a transaction processing method wherein an authentication of the transaction is carried out over a telephone network. Previously presented claims 1-15 and claims 21-37 lack this feature. However, originally presented claims required a transaction center, which authenticated the purchaser.

Claims 49-52 are directed to an apparatus having a specific structure (means for function) for processing authentication of a registered user. The apparatus is usable for practicing method distinct from the methods of claims 1-15 and claims 21-37 such as for authenticating a registered user to a remote software system.

Claims 53-54 are directed to an electronic shopping system whereby a person can have a global electronic shopping cart for shopping from a plurality of web sites. The claimed system is usable for practicing entirely different method than those present in the originally presented claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been

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constructively elected by original presentation for prosecution on the merits. Accordingly, claims 38-54 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

8. Claims 21-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Only independent claim 21 is analyzed. Dependent claims inherit same weakness.

10. Claim 21 recites in preamble "...with the use of a quasi-public network and a telephone network which are usable to interconnect a customer, a set of merchants and a transaction center having a computer center.

11. However, the amended claims contain the following defects which render them indefinite.

9.1 Step (a): the communication link between the customer and the merchant is not defined. Since, the method for purchasing is carried out with the use of a quasi-public network and a telephone network, the claim must clearly recite which of the networks used to perform step (a).

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Furthermore, communication of the purchase set to selected merchant must be communicated via one the cited networks.

9.2 Step (b): recites "together with customer reference information for said customer", however there is no indication that the customer received or has possession of such information.

9.3 Step (c): the communication link between the customer and the transaction center is not defined. Since, the method for purchasing is carried out with the use of a quasi-public network and a telephone network, the claim must clearly recite which of the network is used to perform step (c). Furthermore, communication of the purchase set to selected merchant must be communicated via one the cited networks.

The claims are rendered indefinite due to the deficiencies identified in the aforementioned paragraphs 9.1-9.3. Appropriate corrections are required.

Please also correct Step (d) typo "paid" should read "said". (minor informality)

Claim Rejections - 35 USC § 102

12. Claims 34-36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chelliah (US Pat. 5,710,887) (Chelliah).

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Note that the amended limitations "that the customer desires for future purchase or payment transaction" is not afforded any patentable weight since this limitation do not relate functionally to the receiving step. Similarly, limitations "sending to a transaction center..said purchase set" is not functionally modified due to the amended limitation "thereby enabling..". Therefore, the amended claims are analyzed without regard to the amendment and the previous rejection of claims 34-36 stands as reproduced below.

Chelliah recites a method of operating a merchant's computer system coupled to a quasi-public network and the telephone network (refer to col. 6 as applies to Fig. 1, lines 31-36, the user interface may be a personal computer,.. a touch tone telephone..) comprising the steps of:

Receiving a customer's selection.. (col. 9 L 54-61, noting that inherently the customer interacts with the system 10 to make purchase selections, see also col. 12 for details);

Sending to a transaction center over a quasi-public network the purchase set the customer desires to purchase (the transaction center is the system (internal commerce subsystem 16) where the customer is allowed access via a store front interface connected to the transaction system via the Internet, see col. 6, see also col. 12 L 1-9 for details);

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Receiving payment and delivery information for said customer from said transaction center (total cost information is returned to sales representative program col. 15, L 5-32 this information is also provided to the customer)

Claims 35 and 36: refer to col. 12 L 1-9, which reads..customer contact system 140 may be ..WWW site on the Internet..

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated

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from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.



Jagdish N. Patel

(Primary Examiner, AU 3624)

4/5/04